

**STATEMENT OF
STEPHEN C. BENOWITZ, ASSOCIATE DIRECTOR
FOR HUMAN RESOURCES PRODUCTS AND SERVICES
OFFICE OF PERSONNEL MANAGEMENT,**

before the

**HOMELAND SECURITY SUBCOMMITTEE
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

on

BACKGROUND SCREENERS' INVESTIGATIONS

JUNE 3, 2003

The Office of Personnel Management is working closely with our Administration's team at the Transportation Security Administration to help them ensure that all TSA employees have the appropriate background investigation for their position. We have been active in sharing information on an ongoing basis and providing technical assistance with TSA, and they have provided us information and access that has enabled us to work collaboratively on these issues.

Executive Orders 10450 and 12968 establish the procedures that must be followed to ensure that all Federal employees are suitable for the positions they fill. Based on a policy decision of TSA, airport screeners are required to have what is known as an "Access National Agency Check and Inquiry" investigation, or ANACI. When OPM receives an agency request to conduct an ANACI, we send fingerprints electronically to the FBI and other national data bases, including Department of Defense and Immigration and Naturalization Service, to check criminal and other records. We also contact in

writing state and local law enforcement agencies where the individual lived, worked or went to school. In ANACI cases, we make follow-up visits to law enforcement agencies if they do not respond to our written inquiries. Finally, we contact in writing former supervisors and employers, educational institutions, and personal references. This information is reported back to the agency.

OPM investigation reports characterize issues by levels of seriousness. The most critical, or “D” issues, involve, for example, violent crimes, such as aggravated assault and assault with a deadly weapon, and falsification of Federal background investigation papers. Standing alone, these issues normally would disqualify a person from holding a Public Trust position in the Federal government. If OPM identifies “D” issues at any time during an investigation, the information is promptly given to the agency that requested the investigation. Lesser issues may or may not disqualify an individual from employment, depending on how recent the issue occurred and the role the individual plays in his or her job.

The agency considers all of the information it receives from the background investigation, and determines whether the person is suitable for the job. The agency’s decision, which is called “adjudication,” takes into consideration all of the information provided through the OPM investigation process, and is viewed in the context of the individual’s position, the nature of the work they perform, and such issues as the impact the person could have on public health or safety or national security. They then are required to report to OPM the adjudication decisions they make.

We believe that TSA is working diligently to clear any backlog of investigation requests and submit them to OPM. We are providing each other frequent exchanges of information on the status of investigations, and are making this issue our highest investigations priority. Per Director James, as we receive investigations requests from TSA, we are moving them to the “head of the line” to ensure the swiftest possible completion of required processes. Consistent with Administration efforts to defend the Homeland, the Director believes the integrity of the screener force is a significant concern to national security, a key issue for consumer confidence and ongoing efforts to stabilize the airline sector of the economy.

Internally, OPM is working actively to increase our capacity to provide background investigations for all of our customers in the Federal government. We have streamlined internal processes, making as much use as possible of automated systems. For example, our system to read and send fingerprints to the FBI file is one of the most sophisticated and fastest in the world. It has the capacity to scan and send 20,000 cards a day, based on running three eight hour shifts per day. We normally scan and send approximately 12,000 cards per day. As previously noted, we have adjusted our work priorities to ensure that TSA requests are expedited.

OPM Director Kay Coles James has pledged to DHS Secretary Ridge and TSA Administrator Loy that they have the full support of OPM and its staff to assist in this process. We are working closely together to resolve these issues and to ensure that all Federal employees meet appropriate suitability requirements.